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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/815,468	03/11/97	ANTCLIFF	S 36-1011

LM02/0329

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**EXAMINER**

RINEHART, M

**ART UNIT**

**PAPER NUMBER**

2756

03/29/99

**DATE MAILED:**

**This is a communication from the examiner in charge of your application.**  
**COMMISSIONER OF PATENTS AND TRADEMARKS**

☒ This application has been examined ☒ Responsive to communication filed on 10/2/93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s),        days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☒ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ \_\_\_\_\_

## Part II SUMMARY OF ACTION

1. ☒ Claims 1-28 are pending in the application.
- Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-28 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other \_\_\_\_\_

### EXAMINER'S ACTION

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### DETAILED ACTION

1. This application has been examined. Claims 1-28 are pending.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claim 1, 2, 6, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Graber et al. (US 5,712,979).

Regarding claim 1, Graber teaches: A method of controlling a server connected to the Internet [abstract, col 1, lines 8-14] comprising:

receiving a hypertext transfer protocol file request from a web browser over the Internet [col 16, lines 5-10]

determining of the file request includes an identification signal identifying a web page from which the file request was made [col 16, lines 10-15]

comparing any said identification signal with one or more predetermined identification signals [col 16, lines 16-21, abstract "a second code representative of the identify of the first WWW site...", col 3, lines 7-14]

deciding what file if any is to be transmitted to said web browser in dependence upon said determining and comparing steps, if in the deciding step it is decided that a file is to be transmitted, transmitting said file from said server to said web browser [col 3, lines 15-33, col 16, lines 22-23].

Regarding claims 2, Graber teaches transmitting a file only if an identification signal matches a said predetermined identification signal. [col 7, lines 31-34].

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Regarding claim 6, Graber teaches a look-up table that contains one or more predetermined identification signals and identifies the files which can be accessed by the or each predetermined identification. [col 6, lines 26-37, col 8, lines 1-15].

Regarding claim 8, Graber teaches that the file requested is a hypertext mark up language file [fig 1, item 1 28, (See INDEX.HTML, where the HTML stands for hypertext mark up language)], the method including the step of determining what hypertext mark up language file is to be transmitted to said web browser in dependence upon the comparison step [col 3, lines 15-33, col 16, lines 22-23].

Regarding claim 9, Graber teaches that the determining step comprises selecting a hypertext mark up language file for transmission from a plurality of stored hyper text markup language files (Graber determines which file, ie, index.html, /cm 1 /index.html, cm2/index.html should be selected for transmission) [fig 1, item 128].

Regarding claim 10, Graber teaches generating a hyper text markup language file for transmission in dependence upon the comparison step. (Graber will generate the correct HTML page to be sent according to the parameters of the CGI file and revising the web page) [col 13, Table II, col 16, lines 22-23].

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 and 11-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graber (US 5,712,979) in view of Weinman "The CGI Book", hereinafter referred to as CGI.

Regarding claim 3, Graber teaches the invention substantially as claimed. Graber teaches transmitting a file only if an identification signal matches a said predetermined

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identification signal. [col 7, lines 31-34]. Graber also discloses, that if a identification signal does not match a predetermined identification signal, then simply disconnect the connection (See fig 2, item 240). However, Graber does not teach instead, sending a "dummy file." CGI, a related document, teaches sending a "dummy file" when the user identification does not match a predetermined identification signal (CGI sends an indication, in the form of an file, to a user that she does not match a predetermined identification) [page 119, 6.2]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the dummy file, as taught by CGI, into the identification signal matching system of Graber, to achieve a method for transmitting a dummy file when an identification signal does not match a predetermined identification signal since the user would have known when access is forbidden as well as terminated. This allows for a more complete streamlined user interface that would have anticipated any possible inquiry.

Regarding claim 4 and 5, Graber-CGI teaches that the dummy file contains a warning that the access to the requested file has been denied. [page 119, 6.2] and that the dummy file is substantially smaller (Sending a response of invalidation inherently will be a shorter response than that of access to a particular web page)

Regarding claim 11, Graber-CGI teaches that identification signal and the predetermined identification signal comprises hypertext transfer protocol identification signals. (CGI discloses that hypertext transfer protocol is the protocol used by web servers [page 204]) [Graber, col 16, lines 10-15].

Regarding claim 12, Graber-CGI teaches that the hypertext transfer protocol identification signal identifies a hypertext markup language file being run by said web browser to generate said web page. [CGI, page 204, 9.1]

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Regarding claim 13, Graber-CGI teaches that the hypertext transfer protocol identification signal comprises the universal resource locator for a hypertext markup language file being run by said web browser to generate said web page [Graber, col 3, lines 25-45, col 16, lines 5-20].

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graber (US 5,712,979) in view of Que, "Using Netscape 2".

Regarding claim 7, Graber teaches substantially the invention as claimed. Graber specifically teaches sending as a response, a HTML file. (See fig 1, item 128) Graber does not specifically disclose the contents of these HTML files. However, Que disclose sending images [page 408, fig 16.9], and sound files [page 409-410] as contents of HTML files. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the image and sound capabilities, as taught by Que, into the HTML files of Graber to achieve a server that has image and sound files for transmission over the Internet, since HTML is a dynamic language and was designed to included support for image and sound files. The artisan would have looked to other sources for possible contents to include in a HTML file.

Regarding claims 14-28, which are directed to an Internet server, fail to teach above and beyond the method of claims 1-13 and are rejected for the same reasons.

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9731, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

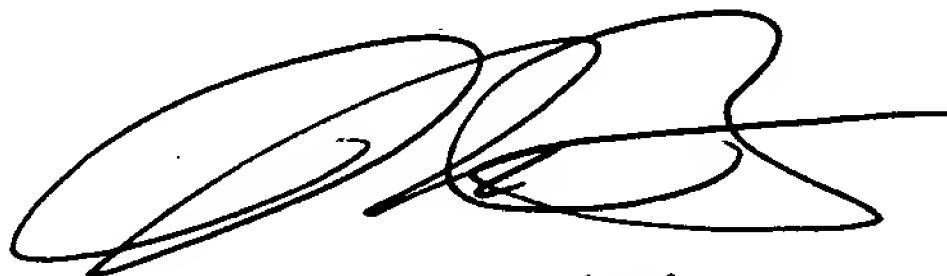
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Rinehart whose telephone number is (703) 305-4815. The examiner can normally be reached on Monday through Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Supervisory Primary Examiner Frank J. Asta, can be reached on (703) 305-3817. The fax phone number for the Electrical Examining Technology Center is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mark H. Rinehart  
Primary Examiner  
Art Unit 2756



**Mark H. Rinehart**  
**Primary Examiner**